

REMARKS

This response is submitted in response to the Office Action dated July 2, 2003 (hereinafter "Office Action"). In the Office Action, the Patent Office rejected Claims 9-14, 21, 22, 24, 25 and 27-29 under 35 U.S.C. §103(a) as being unpatentable over CyberDiner Internet Café Systems (hereinafter "*CyberDiner*") in view of the Blue Ginger webpage at the Boston Globe website (hereinafter "*Blue Ginger*").

By the present response, Applicant amended Claim 21 and submits that the remarks and arguments below overcome the rejection by the Patent Office and place the application in condition for allowance.

In the rejection under 35 U.S.C. §103(a), the Patent Office alleges that *CyberDiner* teaches a restaurant having personal computers connected to the Internet for providing Internet access to restaurant patrons. The Patent Office also alleges that *CyberDiner* teaches an apparatus that has a transmission means wherein the method inputs information into the apparatus to be transmitted remotely from the restaurant by the transmission means. Finally, the Patent Office alleges that the apparatus has a receiving means, a processing means, an input means and a network. The Patent Office, however, admits that *CyberDiner* does not disclose (1) a wireless networking connection, (2) that the information entered into the apparatus

would concern a particular restaurant and (3) that the entered information is posted at a website for viewing by another. (See Office Action, page 3.)

With respect to *Blue Ginger*, the Patent Office alleges that the website displays information concerning restaurants. The Patent Office, however, admits "the information was not necessarily entered into the Internet and posted at the website in real-time while the restaurant patron was still in the restaurant being served and consuming the food and drink of the restaurant." (See Office Action, page 3.)

According to the Patent Office, Applicant's invention would be obvious to one of ordinary skill in the art based on the teachings of *CyberDiner* in view of *Blue Ginger*. Applicant, however, respectfully submits that the rejection under 35 U.S.C. §103(a) is improper and should be withdrawn.

First, independent Claim 21 requires providing a wireless device located in the restaurant wherein the wireless device is used by the patron. Claim 21 further requires inputting information into the wireless device and transmitting the information from the wireless device to a destination outside of the restaurant. Neither *CyberDiner* nor *Blue Ginger*, taken individually or in combination, teach or suggest a wireless device as required by Claim 21. In fact, the Patent Office admits that *CyberDiner* does not teach or suggest a wireless

networking connection. (See Office Action, page 3.) Still further, *CyberDiner* teaches away from the wireless device because *CyberDiner* requires "a place to put it [the apparatus] and a place to plug it in." (See Exhibit A, emphasis added.)

CyberDiner also fails to teach or suggest a method for (1) providing information from a patron regarding a restaurant in which a wireless device is located in the restaurant, (2) inputting information regarding the restaurant and (3) transmitting information to a destination outside of the restaurant.

Similarly, *Blue Ginger* is a website and is not even tangentially related to wireless devices. Given that neither reference teaches or suggests a wireless device, combining the references does not make such a wireless device obvious. Therefore, Applicant respectfully submits that, for the reasons provided above, the rejection of Claims 21, 22 and 24 under 35 U.S.C. §103(a) is improper and should be withdrawn. Notice to that effect is requested.

Independent Claims 9 and 25 further define methods for transmitting and providing, respectfully, real-time information regarding a restaurant. Neither *CyberDiner* nor *Blue Ginger*, taken individually or in combination, however, teach or suggest a method for transmitting and providing restaurant information in real-time. Claims 9 and 25 require methods for inputting

real-time information regarding a restaurant. Again, neither *CyberDiner* nor *Blue Ginger*, taken individually or in combination, teach or suggest a method for inputting restaurant information in real-time.

Merriam-Webster's Collegiate Dictionary defines real-time as "the actual time during which something takes place." (See Exhibit B.) The Patent Office, however, interprets real-time restaurant information to be posting a review of a restaurant "as quickly as possible, with the dining experience still fresh in the mind of the reviewer." (See Office Action, page 4.) Such an interpretation is unsupported by the commonly accepted definition of "real-time." Thus, the references, individually or in combination, do not teach or suggest that defined by Claims 9-14, 25 and 27-29.

Applicant also contends that *Blue Ginger* teaches away from the claimed invention. *Blue Ginger* requires a period of time before a review of the restaurant will be available to a user. Therefore, *Blue Ginger* merely teaches a non-real-time restaurant review. (See Exhibit C.) This non-real-time teaching does not render Applicant's invention obvious.

In view of the foregoing arguments, Applicant respectfully submits that the rejection of Claims 9-14, 25 and 27-29 under 35 U.S.C. §103(a) is improper and should be withdrawn. Notice to that effect is requested.

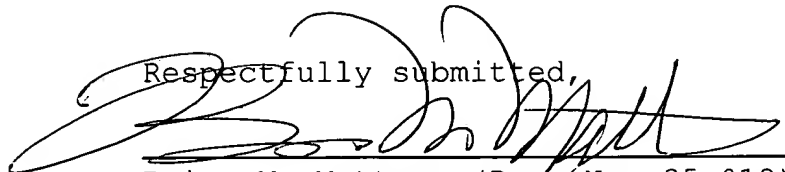
At the time of Applicant's invention, Applicant recognized the need to provide real-time information regarding a restaurant. This need was originally identified by Applicant, and the presently claimed invention defines a method to effect such reviews. A method such as that claimed by Applicant was not contemplated or taught anywhere prior to Applicant's invention.

Claims 10-14 depend from Claim 9; Claims 22 and 24 depend from Claim 21; and Claims 27-29 depend from Claim 25. These claims are further believed allowable over the references of record for the same reasons set forth with respect to their parent claims since each sets forth additional steps of Applicant's methods.

In view of the foregoing amendments and remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is presently in condition for allowance. If, however, any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the

application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

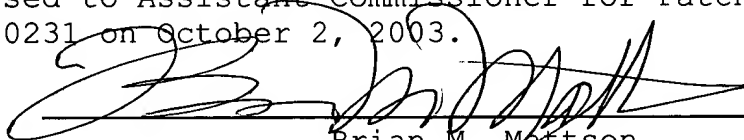
Respectfully submitted,



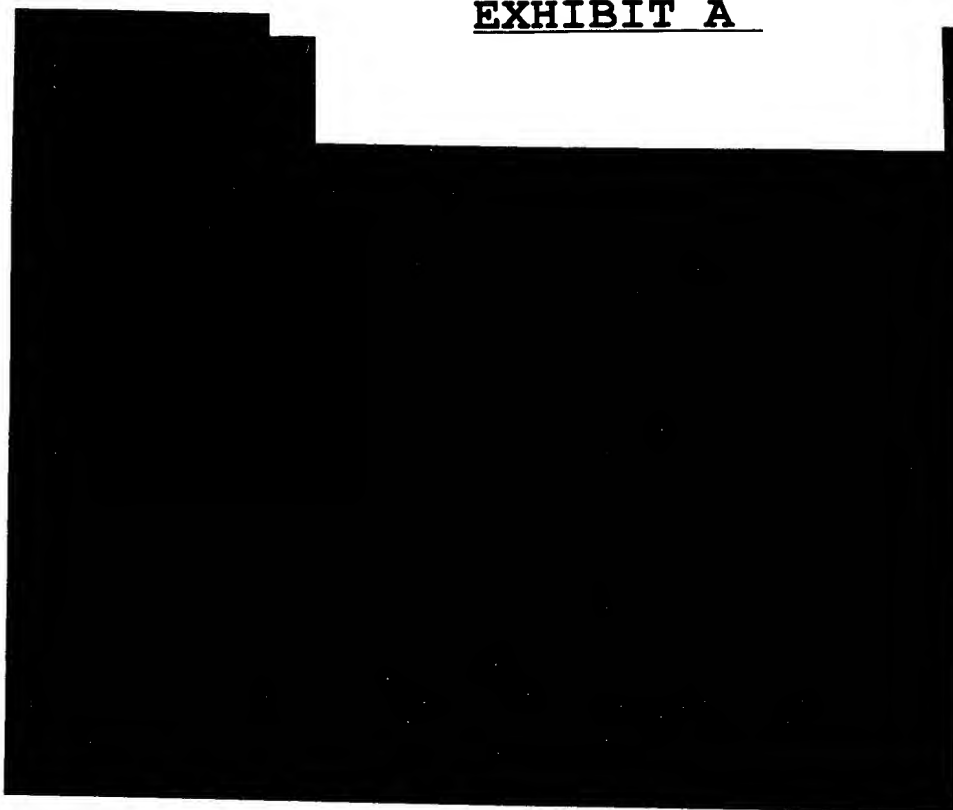
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CERTIFICATE OF MAILING

I hereby certify that this **Response** is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on October 2, 2003.



Brian M. Mattson

EXHIBIT A

CyberDiner® Internet Cafe Systems

You can have an Internet Cafe

Welcome to the CyberDiner Company. We will transform any establishment into an Internet Cafe.

CyberDiner is a system which can be installed just about anywhere, which can be run by just about anyone, and which provides full Internet access to the general public in a friendly comfortable atmosphere.

For installation all you need is a place to put it and a place to plug it in. CyberDiner Co. installs and maintains the system, provides training and documentation for the cafe staff. Introductory material and on-line help are also provided for customers.

CyberDiner's simple, friendly interface allows cafe staff to focus on running their business rather than on becoming techies.

The user interface to the CyberDiner is designed to allow anyone, novice or geek, to enjoy exploring the Web. A point and click front end provides a simple path for getting right out on the web. For the more experienced direct access to FTP, Telnet and any other Internet services is available.

Every CyberDiner user is given their own electronic mail box. This means they can both send and receive e-mail messages, globally, across the Net. CyberDiner users can download data to either the system printer or to a floppy disk and take it home.

CyberDiner provides the general public with FULL access to the net.

Get a more complete description of the features the CyberDiner provides both to the end user and to the establishment.

Check out Espresso Biega in Rolling Hills Estates, CA.

Find out more about us at CyberDiner Co.

Send us email with questions, comments, jokes, whatever.

The CyberDiner page of interesting links



Copyright 1998, CyberDiner



What is an Internet Cafe?

Simply put an Internet Cafe is a place where people can go to use the Internet. This is not a "virtual cafe" or any kind of an on-line thing. It is a physical place where people can physically go and use the net.

The term comes from the fact that traditionally (if something so new can have a tradition) Internet Cafes have been in actual cafes. Places that serve coffee and other things that go with it.

But an Internet Cafe could be a restaurant, a bar, even a bowling alley. The key is that it is a place where people can go and use the Internet in a social atmosphere.

Internet Cafes serve a number of purposes. First it is a place where people can socialize and enjoy the atmosphere while they surf the net. Second it provides Internet access for those who do not have it elsewhere. Frequently Internet Cafes have training and help available for the new user.

This second purpose is an important one. When the World Wide Web came into existence it became possible for people who were not technically trained to access and use the resources available on the net. But still they had to be technical enough to get access to the net in the first place.

Usually this meant investing in a computer system and dealing with the technical issues of getting connected and on line. The Internet Cafe bridges the final gap between the public at large and the Internet. In a way the Internet Cafe serves the same purpose as the FAX machine at the local copy shop. It provides access to the technology without the individual having to invest in or fully understand it.



[Back to the CyberDiner Internet Cafe Systems home page](http://www.cyberdiner.com/cyd_whatisit.html)



CyberDiner® Internet Cafe Systems

System features

Features for the End User

- User friendly
- Full Internet Access
- Your Own Personal Account
- Send and receive email
- Take it home with you

Features for the Hosting Establishment

- Ease of installation and startup
- Simple operation
- Minimum time required by personnel
- Ease of maintenance
- Support
- Reporting
- Scalability
- Repeat Business
- Your Own Web Page



[Back to the CyberDiner Internet Cafe Systems home page](#)

User friendly

The whole idea of the CyberDiner system is a system that can be used successfully by just about anyone. It uses a point and click interface that does not require a computer expert to operate. Step-by step guides are available to guide the new user through the process of getting on line quickly and easily. We believe that the net should be useful and fun. Not technical and difficult. We have done everything possible to bring this about.

[Back to features list](#)

Full Internet Access

The CyberDiner system provides all users with full Internet access. World Wide Web, file transfer, email and the rest of the services available on the net. The user interface makes it easy to get started while allowing the experienced user access to the full range of Internet services.

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Your Own Personal Account

Each CyberDiner customer gets their own account on the system with their own ID and password. This means that you not only have your own email address but also that you can accumulate your own list of favorite places on the net.

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Send and receive email

Since each CyberDiner user gets their own personal account on the system it is possible to both send and receive electronic mail all over the world. You get your own email address that others can use to send email to you.

With the net growing all the time this is like the FAX at the local copy shop has been at the past. You

can take advantage of the technology without having to buy it.

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Take it home with you

The CyberDiner system includes a printer where those things found on the net can be printed. In addition it is possible to download files from the network and take them home on a disk. This includes games, useful programs, pictures and a myriad of information. Thus all the information on the net is available for you to really use.

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Ease of installation and startup

The CyberDiner system is designed to be installed almost anywhere. A central idea is a system which does not need technically trained individuals. CyberDiner Co. takes care of the technical details of establishing the Internet connection. The systems arrive with all software already installed and ready to run. This includes everything from the Netscape browser and other Internet utilities through user management and reporting software.

CyberDiner Co. also works with you to get the physical installation done. Local computer personnel are used to do the physical installation of the system. All we need is a place to put it and a place to plug it in.

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Simple operation

The CyberDiner system allows you to concentrate on being good at your business while making the advantages of high-tech available to you. All of the technical details of running a computer system are handled by CyberDiner Co.

Simple training materials are supplied with every CyberDiner to allow your personnel to get going quickly in putting new customers on the system.

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Minimum time required by personnel

Many Internet Cafes have found themselves too busy helping people with the net to have time for running the restaurant. The CyberDiner comes with simple step-by-step instructions for customers to allow them to get going on the net quickly. Everything from logging into the system to how to find what you are looking for on the net are covered.

With the CyberDiner system everything possible is done to streamline the flow. This provides a more enjoyable experience for the customer and prevents the staff from becoming bogged down in the net.

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Ease of maintenance

Hardware maintenance is contracted to a local computer repair agency. This arrangement is made by the CyberDiner Company. All software maintenance is done by CyberDiner Company via the Internet.

The only thing left for the staff at the site to do is check customers in and take the money.

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Support

Full technical support is provided by the CyberDiner Company to answer questions and handle any problems which arise. CyberDiner company also manages the hardware maintenance to ensure you are provided with excellent service.

CyberDiner technical support is more than just a phone number to call when you have trouble. We take a proactive approach, monitoring your system to fix potential problems before they become real problems.

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Reporting

The CyberDiner software package provides full reporting of both system usage and signup activity. Detail reports are available or summaries by customer or time period. All the information you need about your CyberDiner is at your fingertips.

A side benefit of the CyberDiner system is that when a new customer is added to the system their name, address and phone number are included in the account record. This provides a mailing list of your customers.

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Scalability

The CyberDiner system can grow with your business. Workstations can be added to meet an increasing demand. Where the available phone service permits CyberDiner installs a frame relay connection to the Internet provider. A frame relay line can be upgraded in speed with a minimum effort and expense.

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Repeat Business

An important part of any business is to keep the customers coming back. Part of this is customer satisfaction. The step-by-step instructions and easy user interface make it possible for individuals to quickly come up to speed and find what they are looking for. Every effort is made to ensure customers are successful in their initial sorties into the net.

Another part of keeping customers coming back is the value provided to them. The CyberDiner system is not only fun but full attention has been paid to making it useful as well.

Customers get their own accounts on the system so they can both send and receive email. This provides a valuable service which is not available to many people elsewhere.

The system includes a printer and the ability to copy downloaded files to floppy disk. This gives the customer the ability to keep what they find on the net and further increases the value of the system to the customer.

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Your Own Web Page

Every CyberDiner hosting establishment is provided with a home page on the World Wide Web free of charge. This puts you fully out into CyberSpace making your establishment visible to the world. Not only does this generate business but also helps promote contacts with others around the world.

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EXHIBIT B

ons
n Nepal, Vietnam,



Merriam-Webster
DICTIONARY



- ▶ Home ▶ Help
- ▶ Word of the Day
- ▶ Word Games
- ▶ Word for the Wise
- ▶ Books and CDs
- ▶ Online Education
- ▶ Company Info
- ▶ Customer Service
- ▶ Network Options
- ▶ Language Zone
- ▶ The Lighter Side
- ▶ Site Map



One entry found for **real time**.

Main Entry: **real time**

Function: *noun*

Date: 1953

: the actual time during which something takes place <the computer may partly analyze the data in *real time* (as it comes in)

-- R. H. March>

- *real-time adjective*



Dictionary

Thesaurus



real+time Find



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Pronunciation Symbols

Click on the example word to hear it pronounced.

\&\ as a and u in about

\&\ as e in kitten

\&\ as ur/er in further

\a\ as a in ash

\A\ as a in ace

\a\ as o in more

\e\ as e in bet

\E\ as ea in easy

\g\ as g in go

\i\ as i in hit

\I\ as i in ice

\j\ as j in job

\o\ as aw in law

\oi\ as oy in boy

\th\ as th in thin

\th\ as th in the

\u\ as oo in oot

\u\ as oo in foot

\y\ as y in yet

EXHIBIT C



BRITISH
AIRWAYS

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RESTAURANT SEARCH

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- Low (\$12 - \$18)
- Medium (\$19 - \$25)
- High (over \$26)

Search by name

Search

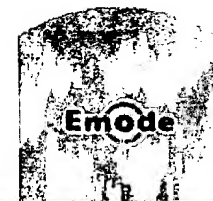
[Detailed search](#)



Q. What is the Average IQ?

☐ 80 ☐ 100 ☐ 130

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